

**Remarks**

Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 1-56 are pending. Claims 1, 13, 23, 30, 42, 48, and 53 are in independent form. Claims 23, 30, and 48 have been amended to correct typographical informalities. Claim 48 has been amended to clarify that the activity reports regard the usage of the digital credentials. Claim 50 has been amended for consistency with claim 48.

The rejections of the claims under 35 U.S.C. § 103(a) rely upon various references relating to bank and credit card account transactions in combination with United States Patent No. 6,105,010 to Musgrave (hereinafter "Musgrave"). The rejections generally contend that it would be obvious to one of ordinary skill to apply the security/authentication processes undertaken for account identification information to the biometric certificates and the biometric certification process of Musgrave.

These contentions are respectfully traversed, since Musgrave explicitly describes that his biometric certificates and biometric certification process is to be combined with account transactions in a manner other than presently claimed.

In particular, FIG. 1 of Musgrave shows a transaction requester 12 that can be a "consumer attempting to electronically purchase software, goods, or information." Transaction requester 12 sends a transaction request 14 that can be "an electronic fund transfer [request] between a bank customer and a bank through an automated teller machine (ATM)." See Musgrave, col. 3, line 1-26. Musgrave's biometric certification process thus operates in a manner that is distinct from the manner in which traditional account transaction systems operate.

Musgrave describes that this distinct operation is to occur in parallel with bank and credit card account transaction systems and in a manner different from that presently claimed. As a result, the combination of Musgrave and the other cited references fail to describe or suggest elements and limitations recited in the claims.

Further, any attempt to combine references that relies on Musgrave would have to disregard the express teachings in Musgrave as to how such combinations are too occur. Therefore, it can fairly be said that Musgrove teaches AWAY from the present combination. Without a suggestion or motivation founded in the prior art to modify the prior art to obtain the claimed inventions, there is no reason to believe that one of ordinary

skill would do anything other than follow the express teachings of Musgrave leading away from the claims.

In summary, the rejections under 35 U.S.C. § 103(a) generally contend that the distinction between account identification information and digital credentials associated with a user's identity are minimal and that it would be obvious to one of ordinary skill to treat both in the same way. However, it is respectfully suggested that account identification information and digital credentials are considered distinct in the cited art, and that the cited art itself teaches that they are to be handled differently. For example, Musgrave expressly acknowledges that biometric certificates are distinctly useful and advantageous in authenticating electronic transactions where financial accounts are also involved and identified. See, Musgrave, col. 1, line 28-37, where Musgrave teaches instilling "a new level of confidence in the electronic services consumer." Musgrave also describes a biometric certification process that operates a manner that is distinct from the manner in which traditional account transaction systems operate. Without further support for the contentions, the proposed combinations fail to establish a *prima facie* case of obviousness.

Turning to the individual rejections, independent claims 1, 13, and 23 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,021,202 to Anderson et al. (hereinafter "Anderson") and U.S. Patent No. 6,442,526 to Vance et al. (hereinafter "Vance") in view of Musgrave.

The rejection contends that it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the security/authentication process of Anderson with the biometric certification process of Musgrave in order to enhance the security of a transaction. Applicant does not dispute this contention - in fact, Musgrave himself describes that his biometric certification process operates in combination with account transaction processes.

However, Applicant submits that this combination does not describe or suggest the elements and limitations recited in the claims. Claim 1 relates to a method that include storing the result of the verification of a digital credential in an activity log in a central service and allowing specified users to access the result. None of Musgrave, Anderson, or Vance describe or suggest such a method.

Claim 13 relates to a computer-readable medium having instructions for causing a computer to store a result of a verification of a digital credential in an activity log and to

allow specified users to access the result. None of Musgrave, Anderson, or Vance describe or suggest such instructions.

Claim 23 relates to a system including an activity log coupled to the server to store results from verifications of a digital credential and a communication part to allow specified users to access the results. None of Musgrave, Anderson, or Vance describe or suggest such a system.

As Musgrave explicitly describes, Musgrave's system operates distinctly from tradition account transaction systems and the cited elements and limitations from claims 1, 13, and 23 are simply not found in the suggested combination. Without some suggestion or description of the cited elements and limitations, the combination of Anderson, Vance, and Musgrave fails to render these claims obvious.

Further, any rejection under 35 U.S.C. § 103(a) that relies upon Musgrave would have to overcome Musgrave's express teachings away from the claimed invention. Musgrave provides a detailed description as to how Musgrave's biometric certification process is to be combined with account transaction systems. This description expressly states that the combination is to occur in a manner other than those claimed in claims 1, 13, and 23. Without a suggestion or motivation as to the claimed invention, obviousness has not been established.

Since elements and limitations from each of independent claims 1, 13, and 23 are neither described nor suggested by the cited art, it is respectfully submitted that a *prima facie* case of obviousness has not been established. Further, it is respectfully submitted that any *prima facie* case of obviousness relying Musgrave is, in general, improper given the express teachings in Musgrave away from the claims. Accordingly, it is respectfully submitted that claims 1, 13, and 23, and the claims dependent therefrom, are allowable.

Independent claim 30 was rejected under 35 U.S.C. § 103(a) as obvious over Anderson, Vance, and Musgrave. Claim 30 relates to a method that includes, e.g., receiving use information describing a first use of a digital credential by an owner of a digital credential, receiving use information describing a second use of the digital credential by a delegate of the owner of the digital credential, storing the use information in an activity log, and generating an activity report for the delegate based on the activity log.

Applicant respectfully traverses the rejection. None of Anderson, Vance, and Musgrave describe or suggest storing use information of a digital credential in an activity log and generating an activity report based on such an activity log. As discussed above, Musgrave's biometric certification process is

to operate distinctly and in parallel with traditional account transaction systems and these elements and limitations are not described or suggested in the cited art. Further, it is respectfully submitted that any *prima facie* case relying Musgrave is, in general, improper given the express teachings in Musgrave away from the claims.

In addition to these deficiencies, Applicant also submits that the combination of Anderson, Vance, and Musgrave fails to describe or suggest receiving use information describing a first use of a digital credential by an owner of a digital credential and receiving use information describing a second use of the digital credential by a delegate of the owner of the digital credential. Musgrave deals with biometric certificates.

Referring to U.S. Patent No. 6,310,966 to Dulude (hereinafter "Dulude"), which names Clyde Musgrave as a joint inventor and incorporates by reference the same U.S. Provisional Patent Application Serial No. 60/046,012, biometric certificates may be generated using biometric data from a biometric input device. Such biometric data includes fingerprints, hand geometry, iris and retinal appearance, and speech patterns. See, e.g., Dulude, col. 4, line 25-61.

Since Musgrave's biometric certificates are generated using biometric data derived from the physical characteristics of a

single individual, Applicant respectfully submits that Musgrave not only fails to describe or suggest but also teaches away from any activity related to use of a digital credential by a delegate of the owner. In particular, unless the delegate were to evade the purpose of Musgrave's system and copy the physical characteristics of the owner of the biometric certificate, then Musgrave's biometric certificates cannot be used by a delegate at different services without frustrating Musgrave's system.

It is therefore respectfully submitted that the rejection does not establish a *prima facie* case of obviousness. Accordingly, it is respectfully submitted that claim 30, and the claims dependent therefrom, are allowable.

Independent claim 42 was rejected under 35 U.S.C. § 103(a) as obvious. Page 17 of the outstanding Office action indicates that claim 42 is obvious over U.S. Patent No. 6,064,990 to Goldsmith (hereinafter "Goldsmith"). This rejection was maintained unchanged from the Office action mailed October 27, 2003 despite the indication on page 2, paragraph 1 of the outstanding Office action that Applicant's arguments with respect to claims 1-56 were persuasive. To advance prosecution, Applicant has responded to rejections under 35 U.S.C. § 103(a) over Goldsmith alone and over the combination of Goldsmith and Musgrave.



Claim 42 deals with a method that includes storing use information for a digital credential of a plurality of delegates who are delegated to use the digital credential by an owner, processing the use information for each of the delegates to detect misuse, and generating an alert to the owner based on the detection of misuse. The digital credential is a digital security mechanism associated with the owner's identity.

The rejection admits that Goldsmith does not relate to digital credentials associated with a user's identity. However, the rejection also contends that it would have been obvious to apply Goldsmith's account activity techniques and to digital credential usage information. Applicant respectfully disagrees. As discussed above, account identification information is distinct from digital credentials associated with a user's identity. Handling both in the same way is not obvious, especially in light of express teachings in the Musgrave that they are to be treated differently. As a result of these distinctions, Goldsmith, alone or in combination with Musgrave, fails to describe or suggest storing or processing use information for a digital credential as claimed.

Further, since Musgrave deals with biometric certificates that include biometric data derived from the physical characteristics of a single individual, Applicant respectfully

submits that Musgrave's biometric certificates cannot be delegated without frustrating Musgrave's system. As such, neither Musgrave nor Goldsmith has anything to do with processing use information for multiple delegates.

It is therefore respectfully submitted that claim 42 is patentable over Goldsmith, alone or in combination with Musgrave. Accordingly, it is respectfully submitted that claim 42 and the claims dependent therefrom are allowable.

Independent claim 48 was rejected under 35 U.S.C. § 103(a) as obvious. Page 14 of the outstanding Office action indicates that claim 48 is obvious over Goldsmith and Vance. Once again, this rejection was maintained unchanged from the Office action mailed October 27, 2003 despite the indication on page 2, paragraph 1 of the outstanding Office action that Applicant's arguments with respect to claims 1-56 were persuasive. To advance prosecution, Applicant has responded to rejections both over the Goldsmith and Vance and over Goldsmith, Vance, and Musgrave.

Claim 48 relates to a method that includes receiving transaction requests from a plurality of delegate users who are delegated from an owner, processing the transaction requests, and communicating transaction information to a central service. The transaction information includes the digital credentials of

the delegates. The transaction information is communicated to create, for the plurality of delegate users, activity reports regarding the usage of the digital credentials.

In rejecting claim 48, the action contends that col. 2, line 55-60 of Goldsmith deals with transaction requests that include digital credentials. Applicant respectfully disagrees. The cited portion of Goldsmith deals with secured passwords for bank or investment accounts. Goldsmith neither describes nor suggests that these secured passwords are digital credentials associated with a user's identity. Rather, these passwords appear to be associated with a specific bank or investment account. As such, Goldsmith fails to describe or suggest communicating transaction information including digital credentials to create activity reports regarding the usage of the digital credentials.

Vance and Musgrave also fail to describe or suggest such communication. Vance has nothing to do with digital credentials. Hence, no transaction information that includes digital credentials of delegates is communicated to create activity reports regarding the usage of digital credentials in Vance.

Musgrave describes biometric certificates that are generated using biometric data derived from the physical

characteristics of a single individual. No activity reports regarding the usage of these biometric certificates are generated in Musgrave. Hence no transaction information that includes digital credentials of delegates is communicated to create activity reports regarding the usage of the biometric certificates.

It is respectfully submitted that account identification information is distinct from digital credentials associated with a user's identity. Handling both in the same way is not obvious, especially in light of express teachings in the Musgrave that they are to be treated differently. As a result of these distinctions, Goldsmith and Vance and Goldsmith, Vance, and Musgrave fail to describe or suggest storing or processing use information for a digital credential as claimed.

It is therefore respectfully submitted that claim 48 is patentable over Goldsmith and Vance with or without Musgrave. Accordingly, it is respectfully submitted that claim 48 and the claims dependent therefrom are allowable.

Independent claim 53 was rejected under 35 U.S.C. §103(a) as obvious. Page 22 of the outstanding Office action indicates that claim 53 is obvious over Anderson and Goldsmith. Once again, this rejection was maintained unchanged from the Office action mailed October 27, 2003 despite the indication on page 2, paragraph 1 of the outstanding Office action that Applicant's arguments with respect to claims 1-56 were persuasive. Further, the discussion on page 23 refers to U.S. Patent No. 5,659,616 to Sudia (hereinafter "Sudia"). To advance prosecution, Applicant now responds to rejections under 35 U.S.C. § 103(a) over the combination of Anderson and Goldsmith and over the combination of Anderson, Goldsmith, Sudia, and Musgrave.

Claim 53 relates to a method that includes receiving a request from a medical professional to access medical information at a remote service, communicating transaction information describing the access request and the digital credential to a credential verification service, receiving a verification result from the credential verification service, providing the medical professional access to the medical information based on the verification result, and receiving an activity report from the credential verification service. The request includes a digital credential, for the medical professional. The digital credential is a digital security

mechanism associated with the medical professional's identity. The activity report lists the transaction information, the digital credential and the transaction result.

The rejection of claim 53 is respectfully traversed.

In particular, none of Anderson, Goldsmith, Sudia, and Musgrave describe or suggest receiving an activity report that lists transaction information, a digital credential, and a transaction result from a credential verification service to which transaction information is communicated and from which a verification result is received. The rejection admits that Anderson does not describe or suggest receiving such an activity report from a credential verification service.

Sudia describes that only an acceptance or a rejection of a signature and attribute values is received from a verifier. See, e.g., FIGS. 6, 7, and 8 of Sudia where acceptances 612, 721, 723, 812 and rejections 611, 720, 722, 810 are illustrated in the alternative and the associated description thereof where the operation of Sudia's verifiers is described. It is respectfully submitted that Sudia lacks any description or suggestion of receiving an activity report including anything other than an acceptance or rejection from a credential verification service.

Goldsmith is also silent as to receiving an activity report that lists transaction information, a digital credential, and a transaction result from a credential verification service as claimed. As discussed above, Goldsmith has nothing to do with digital credentials.

Musgrave also does not describe or suggest receiving an activity report that lists transaction information, a digital credential, and a transaction result from a credential verification service to which transaction information is communicated and from which a verification result is received. As discussed above, Musgrave's biometric certification process is to operate distinctly and in parallel with traditional account transaction systems. Musgrave neither describes nor suggests receiving an activity report that lists transaction information, a digital credential, and a transaction result from a credential verification service to which transaction information is communicated and from which a verification result is received. Further, it is respectfully submitted that any *prima facie* case relying Musgrave is, in general, improper given the express teachings in Musgrave away from the claims.

Since none of none of Anderson, Goldsmith, Sudia, and Musgrave describe or suggest receiving an activity report that lists transaction information, a digital credential, and a

transaction result from a credential verification service to which transaction information is communicated and from which a verification result is received, it is respectfully submitted that a *prima facie* case of obviousness has not been established. Accordingly, it is respectfully submitted that claims 53, and the claims dependent therefrom, are allowable.

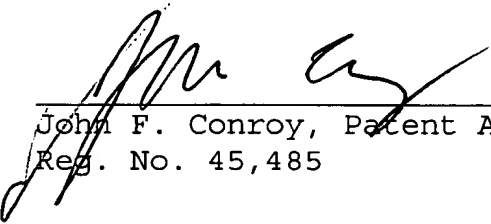
Applicant notes that the Form PTO-1449 filed with the Information Disclosure Statement on November 21, 2000, has not been initialed and returned. Although the appropriate box was checked on the Summary page of the 12/24/2002 Office Action, an initialed 1449 was not attached. Applicant requests that the Examiner consider the reference filed with the IDS and return the initialed Form PTO-1449 as soon as possible. A copy of the Form 1449 filed 12/24/2002 is attached for the Examiner's convenience.



Applicant asks that all claims be allowed. No fees are believed to be due at this time. Please apply any charges not covered or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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